THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.19362 of 2003

Dated: 27.11.2007

Between

Didla Narayana Rao and another

…Petitioners

And

The Joint Registrar/District Co-operative
Officer, Machilipatnam,
Krishna District and others.

…Respondents

THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.19362 of 2003

ORDER:

This writ petition has been filed by the petitioners praying to declare the action of the first respondent in issuing the impugned proceedings, dated 30.12.2002, granting permission for admission of 66 persons as new members in Vijaya Bhaskara Co-operative Collective Farming Society (hereinafter referred to as 'the Society'), as illegal, arbitrary, unconstitutional and contrary to the Objectives and Bye-laws of the Society, and consequently to direct respondents 1 to 6 not to admit the so called 66 new members in the Society and to pass such other appropriate orders.

It is contended by the petitioners that the members covered by the impugned order are not residents of the area of operation of the Society, and therefore, they cannot be admitted as members of the Society, and that as the Person-in-Charge of the Society or the District Co-operative Officer has no authority to admit the persons as the members of the Society, the order of the first respondent-the Joint Registrar/District Co-operative Officer is liable to be set aside.

The learned counsel appearing for the official respondents submitted that since there was no existence of the committee of the Society, the Person-in-Charge was empowered to exercise the functions of the committee. Therefore, the said Person-in-Charge, after considering the applications of other unofficial respondents, made a recommendation to the Deputy Registrar of Co-operative Societies. But the Deputy Registrar of Co-operative Societies did not pass any orders and when the Person-in-Charge made a representation to the District Co-operative Officer, he passed the impugned order directing

to admit the unofficial respondents as members of the Society and that as the District Co-operative Officer is competent under Sections 31-A and 32 of the Andhra Pradesh Co-operative Societies Act, 1964, he is competent to admit the members. Therefore, the impugned order is not liable to be quashed.

The learned counsel for the petitioner filed some additional material including a report, dated 08.12.2004, said to be filed by the District Co-operative Officer, regarding the affairs of the Society including the admission of the unofficial respondents, and as to who are eligible members and who are not.

Since there is no unanimity regarding the disputed facts, I am of the view that this is a fit matter where the District Co-operative Officer has to make a detailed enquiry regarding the eligibility of the unofficial respondents as members of the Society, and he shall pass appropriate orders by taking into consideration the subsequent enquiry report and other documents including the order of the Court.

In the result, the writ petition is disposed of directing the District Co-operative Officer (first respondent) to conduct an enquiry regarding the eligibility of the unofficial respondents as members of the Society by giving opportunity to all parties, and pass fresh orders by considering the enquiry report, the orders of the Court, and the documents that are filed by both the parties, within six months from the date of this order. No costs.

Dr. G. Yethirajulu, J

Date: 27.11.2007
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